

Notice of Allowability

Application No.

09/747,680

Examiner

Kelly L. Jerabek

Applicant(s)

FUNSTON ET AL.

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final Amendment filed 9/8/2005.
2. ☒ The allowed claim(s) is/are 3-8, 12-14, 16, 18-26, 29 and 35 (Claims are renumbered as 1-21 respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Roland Schindler on 9/27/2005.

The following changes are being made by way of an Examiner's Amendment:

Please amend claim 8 to read as follows "The camera of claim 3 further comprising an ambient light sensor mounted to said body, said ambient light sensor being operatively connected to said color detector and independent of said imager.

Please delete "said decreasing" from line 22 of claim 19 and replace it with "decreasing" so that the claim reads as follows "...wherein decreasing of said color temperature of said electronic image...".

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Please amend claim 21 to read as follows "The camera of claim 20 further comprising a film capture unit mounted in said body, and an optical system directing said ambient light image to said film capture unit and said electronic image capture unit"

Allowable Subject Matter

Claims 3-8, 12-14, 16, 18-26, 29, and 35 allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fail to anticipate or render obvious the following technical features as recited in the highlighted claims:

Re claims 12-14, 16, 20-21, 29, and 35, the prior art fails to teach or suggest "A camera usable for capturing images of scenes illuminated by ambient light, said camera comprising: a look-up table...wherein one or more of said reference illuminants are each equal to a correlated color temperature of an illumination source partially normalized by a predetermined photofinishing color cast reduction for that illumination source".

Re claim 19, the prior art fails to teach or suggest "A camera usable for capturing images of scenes illuminated by ambient light, said camera comprising: a control system...wherein said decreasing of said color temperature of said electronic image is

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proportional to and opposite a white balance correction of said electronic image from the color temperature of said assigned reference illuminant to daylight”.

Re claim 25, the prior art fails to teach or suggest “An image capture method usable in ambient light, comprising the steps of: ...changing said ambient light between said capturing and said measuring of said ambient light”.

Re claims 3-8, 22-24, and 26, the prior art fails to teach or suggest “A camera usable for capturing images of scenes illuminated by ambient light, said camera comprising: ...a control system color balancing said electronic image to impart a color cast relative to said designated illuminant and relative to said illuminant assigned to said color value, only when said illuminant assigned is one of said non-designated illuminants”.

Re claim 18, the prior art fails to teach or suggest “A camera usable for capturing images of scenes illuminated by ambient light, said camera comprising: ...a control system operatively connected to said electronic image capture unit and said look-up table, said control system maintaining a color balance of said electronic image only when said reference illuminant is daylight and color balancing said electronic image to a lower correlated color temperature only when said reference illuminant is one of said non-designated illuminants, to provide a verification image”

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on **(571) 272-7320**. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ



NGOC-YEN VU
PRIMARY EXAMINER